## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Curtis CLARKE et al.

Title: METHOD AND APPARATUS FOR FOLDING AN AIR

BAG FOR STOWING IN AN AIR BAG MODULE

Appl. No.: 10/598,252

Filing Date: 8/22/06

Examiner: Unassigned

Art Unit: Unassigned

# PETITION UNDER 37 C.F.R. § 1.47

Mail Stop Petition Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Applicants hereby petition the Commissioner under 35 C.F.R. § 1.47 in connection with the above-identified patent application.

As outlined in the enclosed Statement of Facts signed by Deanna Mejia, an employee of TK Holdings, Inc., non-signing inventors Humberto Hernandez and Andres Rojero are unavailable to provide their signatures for the Declaration, despite diligent efforts. The Statement of Facts includes the last known addresses of Humberto Hernandez and Andres Rojero.

Accordingly, the remaining Applicants hereby petition the Commissioner under 37 C.F.R. § 1.47 for filing the captioned application by other than all of the inventors. Applicants respectfully request that the Application be permitted to proceed with examination in light of the present Petition and the enclosed Statement of Facts. Accordingly, the remaining Applicants hereby petition the Commissioner under 37 C.F.R. § 1.47 for filing the captioned application by other than all of the inventors.

A credit card payment form in the amount of \$200.00 is provided herewith in payment of the fee as set forth in 37 C.F.R. § 1.17(g). The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date  $\frac{11/2/2007}{200}$ 

FOLEY & LARDNER LLP Customer Number: 22428 Telephone: (202) 672-5582

Facsimile: (202) 672-5399

Бу

Howard N. Shipley Attorney for Applicant Registration No. 39,370

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# STATEMENT OF FACTS FOR PETITION UNDER 37 C.F.R. § 1.47

Mail Stop Petition Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

- I, Deanna Mejia, hereby declare as follows:
- 1. I am making this Declaration in connection with a Petition under 37 C.F.R. § 1.47 in connection with the above-identified patent application.
  - 2. I am an employee of TK Holdings Inc. My title is IP Administrator.
- 3. Mr. Humberto Hernandez and Mr. Andres Rojero are named as inventors in the above-identified application.
- 4. TK Holdings Inc. has made efforts to contact Mr. Humberto Hernandez and Mr. Andres Rojero. Mr. Humberto Hernandez and Mr. Andres Rojero are no longer employees of TK Holdings Inc. See Exhibit 1, email dated July 9, 2007 from Patricia Fink, Human Resources Coordinator at TK Holdings Inc. Packages containing a letter dated July 9, 2007 were sent via Federal Express to the last known addresses of Mr. Humberto Hernandez and Mr. Andres Rojero requesting them to each sign an enclosed Declaration and Power of Attorney. See Exhibits 2 and 3, letters to Humberto Hernandez and Mr. Andres Rojero; Exhibits 4 and 5, Federal Express tracking updates.

- 5. The package was delivered to Mr. Humberto Hernandez. See Exhibit 6, Federal Express tracking update dated July 12, 2007. However, no response was received from Mr. Humberto Hernandez. See Exhibit 7, email dated July 16, 2007 from Deanna Mejia. Personnel in Monclova, Mexico have been unsuccessful in their efforts to contact Mr. Humberto Hernandez. See Exhibit 7, email dated July 27, 2007 from Deanna Mejia.
- 6. The package sent to Mr. Andres Rojero could not be delivered to his last known address and was instead returned to the shipper. See Exhibit 8, Federal Express tracking update. Personnel in Monclova have been unsuccessful in their efforts to contact Mr. Humberto Hernandez. See Exhibit 7, email dated July 27, 2007 from Deanna Mejia.
- 7. The last known address of Mr. Humberto Hernandez is Matamoros #1337, Zona Centro, Monclova, Coahuila, Mexico.
- 8. The last known address of Mr. Andres Rojero is Alonso de Leon, Col. Occidental, Frontera Coahuila, Mexico.
- 9. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11 2 07 Date

Deanna Mejia

Deanna Mejia



From: Fink, Patricia

Sent: Monday, July 09, 2007 1:19 PM

To: Mejia, Deanna
Cc: Parga, Ruben

Subject: RE: Associates in Monclova

### Hi Deanna!

These 2 people are not working for us any more in Monclova, see below the last address that we had in GIRO:

### **Andres Rojero**

Address: Alonso de Leon, Col. Occidental,

Frontera Coahuila Cel Phone: 866642-97-22

Contact: Father: Simon Rojero Tel. 01152-492-9310374

Last Position: Process Eng.

### **Humberto Hernandez**

Address: Matamoros #1337

Zona Centro Monclova, Coahuila Tel. 6-32-25-24

Contact: Father: Demetrio Hernandez Last Position: Production Manager

If you need more information, please let me know,

Regards! Patty Fink

**Human Resources Coordinator** 

From: Parga, Ruben

Sent: Monday, July 09, 2007 10:47 AM

To: Fink, Patricia

Subject: FW: Associates in Monclova

Importance: High

From: Mejia, Deanna

Sent: Monday, July 09, 2007 10:06 AM

To: Parga, Ruben Cc: Parga, Ruben

Subject: RE: Associates in Monclova

Importance: High

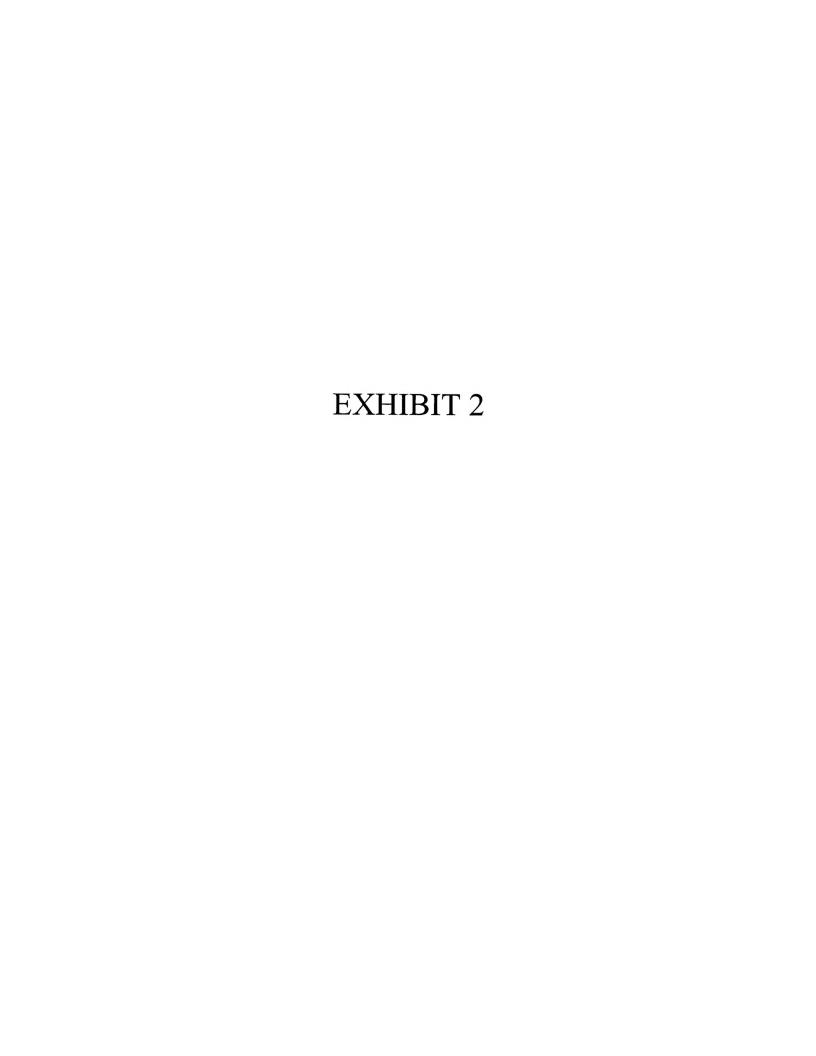
#### Hi Ruben:

I need to attempt to locate to former associates, in order to have them sign patent applications. Humberto Hernandez and Andres Rojero need to be contacted for this. If you prefer, I can send you the documents that need to be signed. If you are unable to locate them, I need to have the last known addresses for them.

Deanna Mejía

Legal Assistant TK Holdings Inc. Ph.: 248.475.6578

7/9/2007





2500 Takata Drive Aubum Hills, Mt 48326 USA TEL 248-373-8040 FAX 248-377-2040

July 9, 2007



Mr. Andres Rojero Alonso de Leon, Col. Occidental Frontera Coahuila Mexico

Re: Method and Apparatus for Folding an Air Bag for Stowing in an Air Bag Module

Dear Mr. Rojero:

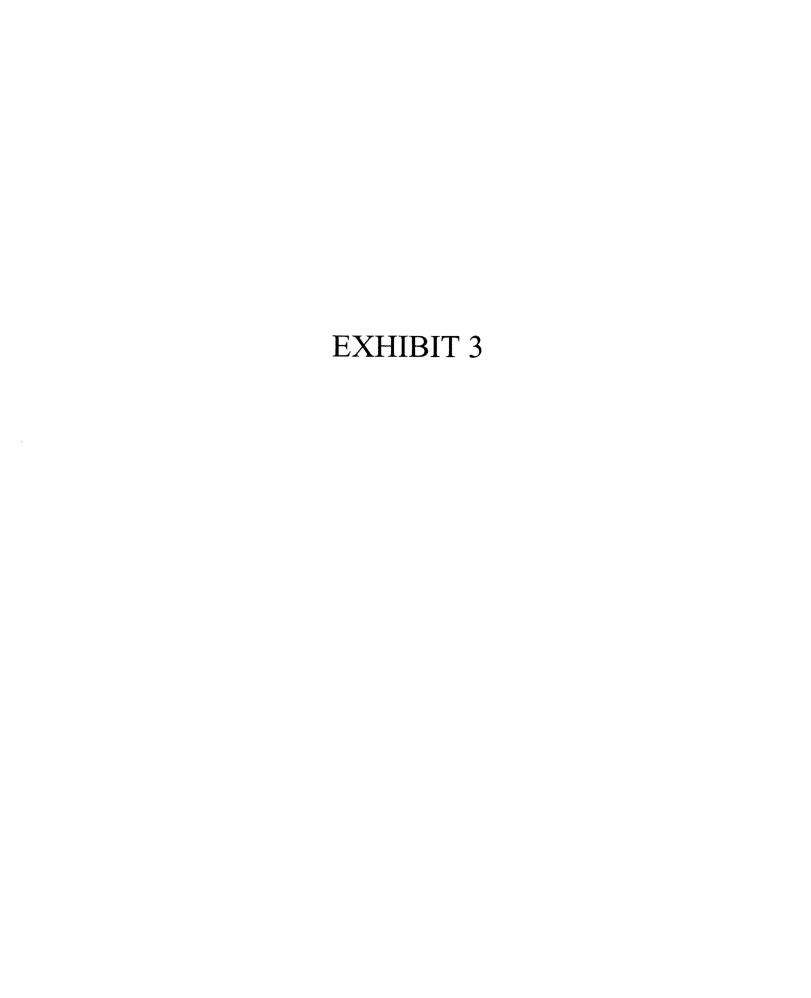
Please find enclosed the Declaration and Power of Attorney forms for the above-referenced patent application. These forms must be filed with the United States Patent Office. Please sign the forms where indicated and return to me as soon as possible. It is not necessary to have the form notarized. I have enclosed a self addressed stamped envelope for return postage.

Thank you for your cooperation in this matter.

Very truly yours,

Deanna mejia

Deanna Mejia Legal Assistant







2500 Takata Drive Auburn Hills, MI 48326 USA TEL 248-373-8040 FAX 248-377-2040

July 9, 2007

Mr. Humberto Hernandez Metamoros #1337 Zona Centro Monclova, Coahuila Mexico

Re: Method and Apparatus for Folding an Air Bag for Stowing in an Air Bag Module

Dear Mr. Hernandez:

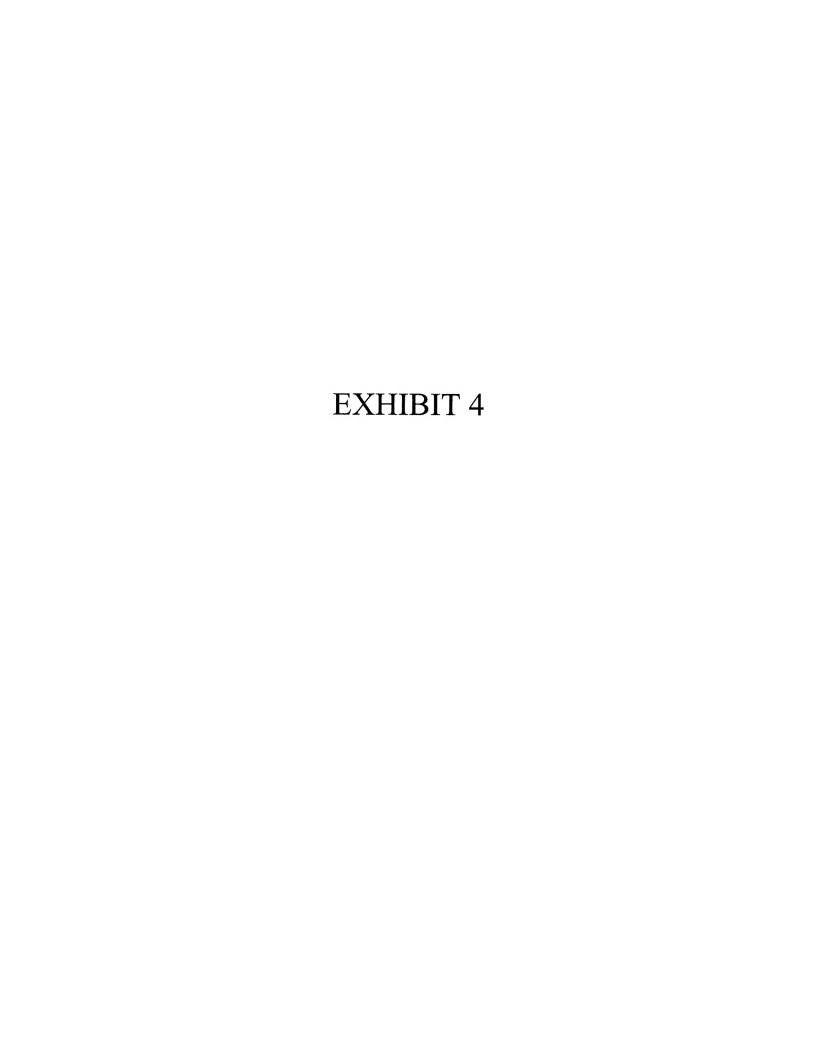
Please find enclosed the Declaration and Power of Attorney forms for the above-referenced patent application. These forms must be filed with the United States Patent Office. Please sign the forms where indicated and return to me as soon as possible. It is not necessary to have the form notarized. I have enclosed a self addressed stamped envelope for return postage.

Thank you for your cooperation in this matter.

Very truly yours,

Deanna Mejia Legal Assistant

Dianna mejia



From: TrackingUpdates@fedex.com

Sent: Tuesday, July 10, 2007 1:49 PM

To: Mejia, Deanna

Subject: FedEx Shipment Notification

This tracking update has been requested by:

Company Name: TK HOLDINGS

Name: DEANNA MEJIA

E-mail: DEANNA.MEJIA@TAKATA.COM

DEANNA MEJIA of TK HOLDINGS sent HUMBERTO HERNANDEZ 1 FedEx International Priority package(s).

This shipment is scheduled to be sent on 07/10/2007.

Reference information includes:

Reference:

TK HOLDING

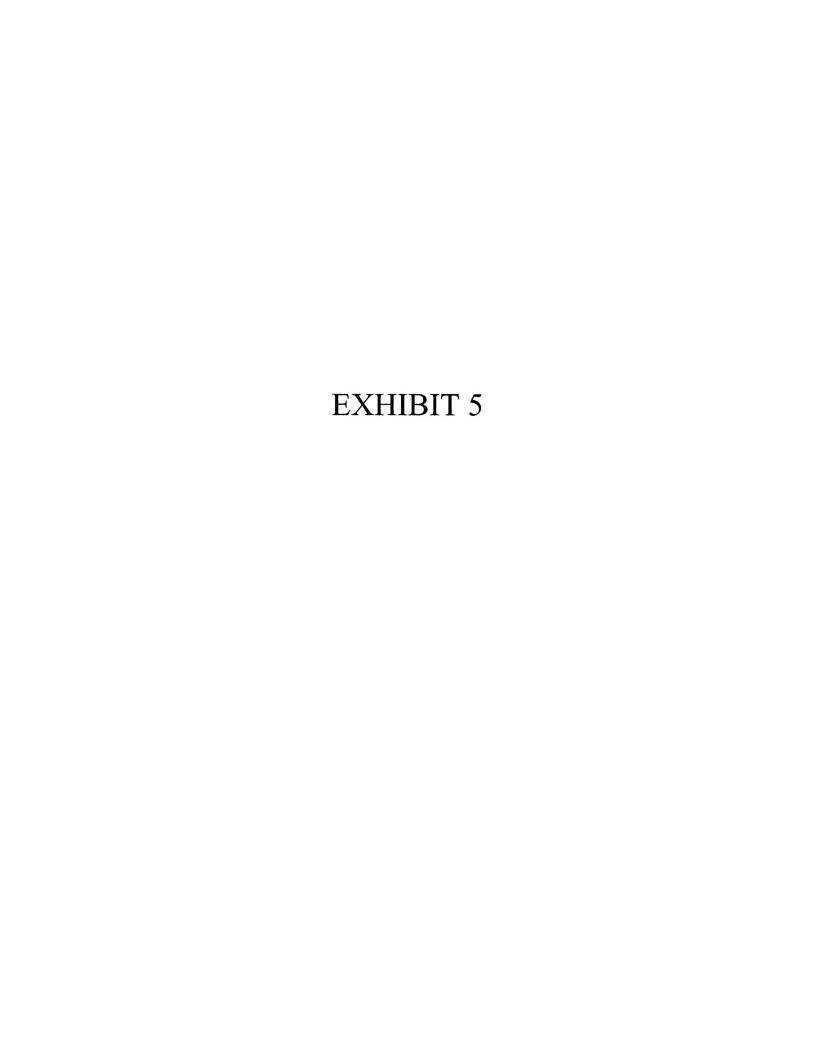
The tracking number(s) is (are) 926410083028

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

To learn more about FedEx Express, please visit our website at fedex.com.

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Thank you for your business.



From: TrackingUpdates@fedex.com

Sent: Tuesday, July 10, 2007 1:50 PM

To: Mejia, Deanna

Subject: FedEx Shipment Notification

This tracking update has been requested by:

Company Name: TK HOLDINGS

Name: DEANNA MEJIA

E-mail: DEANNA.MEJIA@TAKATA.COM

DEANNA MEJIA of TK HOLDINGS sent ANDRES ROJERO 1 FedEx International Priority package(s).

This shipment is scheduled to be sent on 07/10/2007.

Reference information includes:

Reference:

TK HOLDING

The tracking number(s) is (are) 928410083039

To track the latest status of your shipment, click on the tracking number above, or visit us at  $\underline{\text{fedex.com}}$ .

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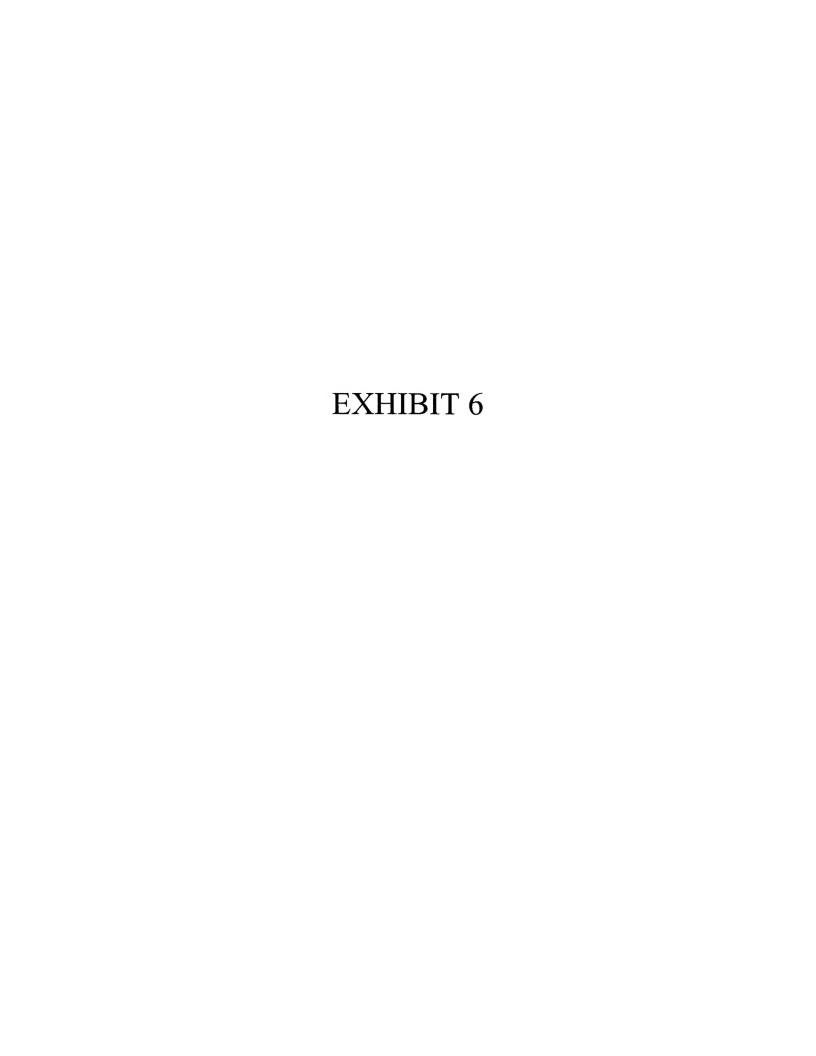


to deliver -

returning package, J

QUESTIONS?

GM VOLUNTEER PLUS, PLEASE CALL TOLL-FREE
(877) 865-GMVP • E-MAIL: GMVP@EASYMATCH.COM



From: TrackingUpdates@fedex.com Sent: Thursday, July 12, 2007 8:30 PM

To: Mejia, Deanna

Subject: FedEx Shipment 928410083028 Delivered

This tracking update has been requested by:

Company Name: TK HOLDINGS

Name: DEANNA MEJIA

E-mail: DEANNA.MEJIA@TAKATA.COM

Our records indicate that the following shipment has been delivered:

Tracking number:

Reference:

Ship (P/U) date:

Delivery date:

Sign for by:

Service type:

Packaging type:

Number of pieces:

Weight:

Shipper Information

DEANNA MEJIA

TK HOLDINGS

2500 TAKATA DRIVE

AUBURN HILLS MT

US

48326

928410083028 TK HOLDING

Jul 10, 2007

Jul 12, 2007 12:30 PM

H.HERNANDEZ

FedEx International Priority

FedEx Envelope

1.00 lb.

Recipient Information

HUMBERTO HERNANDEZ

NETAMOROS #1337 ZONA CENTRO

MONCLOVA

CO MX

25610

Special handling/Services: Deliver Weekday

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 7:30 PM CDT on 07/12/2007.

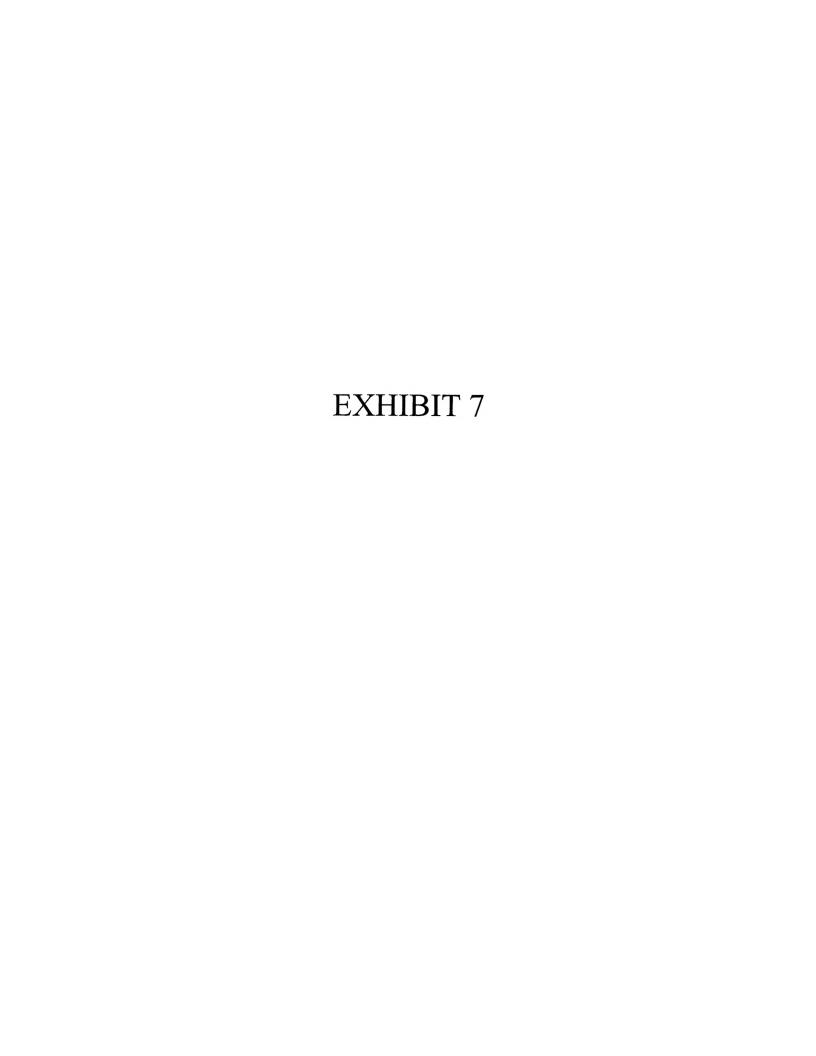
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Thank you for your business.



# McHenry, Kevin L.

From:

Mejia, Deanna [deanna.mejia@takata.com]

Sent:

Friday, July 27, 2007 2:17 PM

To:

Fink, Patricia

Cc:

Stamey, Hunter; Cahill, Jessica M.

Subject:

RE: Andres Rojero and Humberto Hernandez

Importance: High

### Dear Patricia::

I spoke to our patent attorneys about this matter. Fedex was unable to deliver my package to Andres Rojero, and Humberto Hernandez received his package, or at least someone at that address did, but did not return the papers to me. Is there anyone there in Monclova that can help locate these individuals, so that we do not end up losing the patent? Please let me know if anything can be done.

Than you,

Deanna Mejia Legal Assistant TK Holdings Inc. Ph.: 248.475.6578 Fax: 248.340.2662

From: Fink, Patricia

Sent: Tuesday, July 24, 2007 7:56 PM

To: Mejia, Deanna Cc: Parga, Ruben

Subject: RE: Andres Rojero and Humberto Hernandez

Hi Deanna!

I can't locate this information, I already asked to the last Human Resources Manager but he didn't know about it.

I'm really sorry, is there anything else that I can do for you?

### Regards

From: Mejia, Deanna

**Sent:** Tuesday, July 24, 2007 11:55 AM

To: Fink, Patricia

Subject: FW: Andres Rojero and Humberto Hernandez

Importance: High

Hi Patricia:

Have you had any progress locating these documents? I need to get something filed on them with the US Patent Office next week.

Thank you,

*Deanna Mejïa* Legal Assistant TK Holdings Inc. Ph.: 248.475.6578 Fax: 248.340.2662

From: Fink, Patricia

Sent: Monday, July 16, 2007 11:22 PM

To: Mejia, Deanna

Subject: RE: Andres Rojero and Humberto Hernandez

Ok, let me check it and I will let you know!

Regards

From: Mejia, Deanna

Sent: Monday, July 16, 2007 7:41 AM

**To:** Fink, Patricia **Cc:** Stamey, Hunter

Subject: Andres Rojero and Humberto Hernandez

Importance: High

### Hi again!

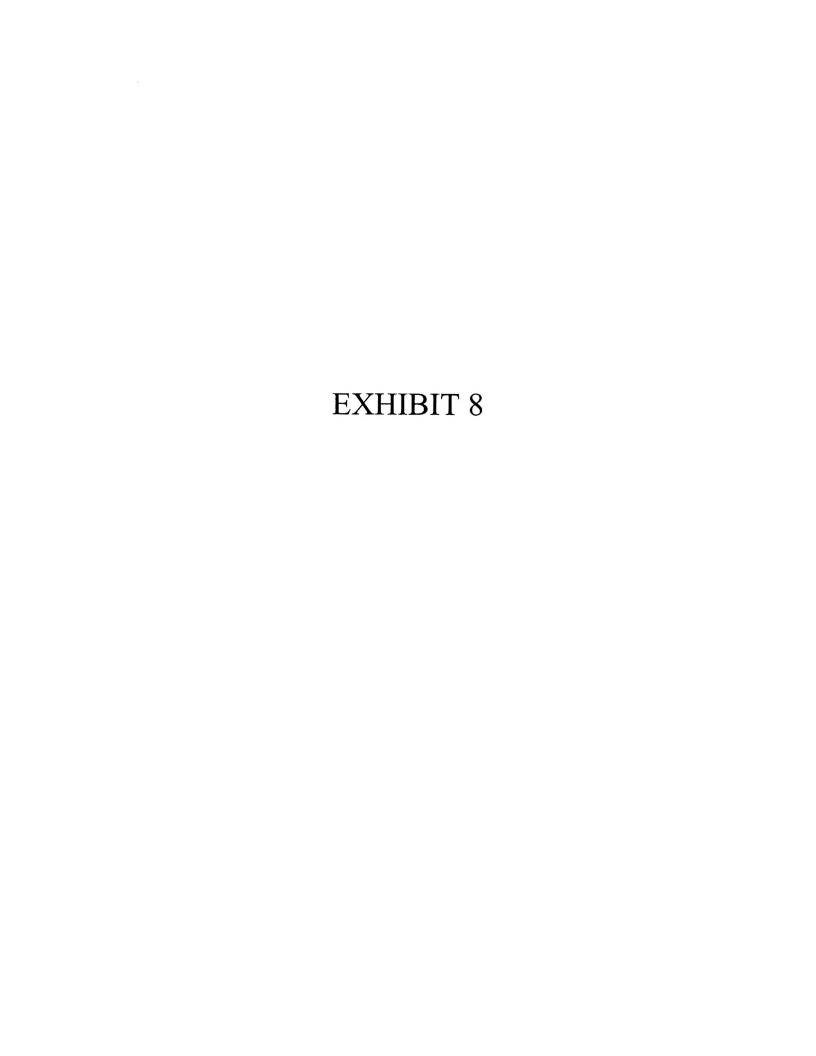
I attempted to reach these persons in order to get some documents for the United States Patent Office signed. I have not yet received a response from Humberto, and we are unable to contact Andres at the last know address. Can you please send to me any agreements they signed stating that any inventions they participated in are the property of the corporation? I am not sure what the document is called there, but I know that the engineers are all asked to sign it when they become employed.

Thanks for your help1

*Deanna Mejía* Legal Assistant TK Holdings Inc. Ph.: 248.475.6578

Fax: 248.340.2662

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	12:38 AM		MEMPHIS, TN			
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